

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

STEELE, DAVID KAYNE

**As Personal Representative On Behalf of the
Estate of Ashley Steele, Deceased, and On
Behalf of Himself and All Heirs At Law**

PLAINTIFF

v.

Case No. 3:21-cv-00064 KGB

SHARKEY TRANSPORTATION, INC., et al.

DEFENDANTS

ORDER

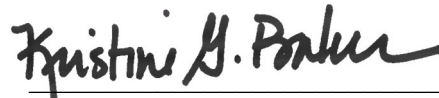
Before the Court is the possible consolidation of this case with a case that appears related, *Lewis v. Sharkey Transportation Inc., et al.*, 3:21-cv-00066-KGB. Under Federal Rule of Civil Procedure 42(a), a district court may consolidate actions “[i]f actions before the court involve a common question of law or fact. . . .” Fed. R. Civ. P. 42(a). “Whether to consolidate actions under Rule 42(a) is vested in the court’s discretion,” and “the district court can consolidate actions sua sponte.” *Headrick v. Glass*, No. 4:18-cv-1683 CDP, 2019 WL 2437028, at *1 (E.D. Mo. June 11, 2019) (quoting *Bendzak v. Midland Nat. Life Ins. Co.*, 240 F.R.D. 449, 450 (S.D. Iowa 2007) (internal citations omitted)).

The Court has reviewed the complaints filed in both cases and finds that the case of plaintiff David Kayne Steele, as personal representative on behalf of the Estate of Ashley Steele, deceased, and on behalf of himself and all heirs at law and the case of Tony Floyd Lewis, as special administrator of the Estate of Leslie Lewis, deceased, on behalf of himself and all heirs at law, involve common questions of law and fact. Both cases arise out of a motor vehicle accident on Arkansas Highway 367 resulting in the deaths of Ashley Steele and Leslie Lewis when their vehicle collided with a truck owned and operated by defendants (Dkt. No. 1, ¶¶ 95-136; *Lewis v. Sharkey Transportation Inc., et al.*, 3:21-cv-00066-KGB, Dkt. No. 1, ¶¶ 26-58). Further, both

cases involve claims of negligence and respondeat superior negligence (Dkt. No. 1, ¶¶ 137-220; *Lewis v. Sharkey Transportation Inc., et al.*, 3:21-cv-00066-KGB, Dkt. No. 1, at ¶¶ 59-142). The Court believes that judicial economy would be served by consolidating the cases for discovery.

The Court will withhold entry of an Order consolidating the cases for discovery for 14 days from the date of this Order to give the parties of both cases an opportunity to file any objections to consolidation. The Clerk of the Court is directed to file this Order in *Lewis v. Sharkey Transportation Inc., et al.*, 3:21-cv-00066-KGB as well as in this case.

So ordered this 14th day of April, 2021.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kristine G. Baker

United States District Judge